

COUNCIL MEETING

FEBRUARY 11, 2015

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, February 11, 2015 at 8:36 a.m., after which the following members answered the call of the roll:

Honorable Mason K. Chock
Honorable Gary L. Hooser (*present at 9:05 a.m.*)
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i (*present at 8:38 a.m.*)
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda as circulated, seconded by Councilmember Kagawa, and unanimously carried (*Councilmember Hooser and Councilmember Kuali'i were not present.*)

(*Councilmember Yukimura was noted as not present.*)

Council Chair Rapozo: Thank you. Next item, interviews.

INTERVIEWS:

1. SALARY COMMISSION:

- Robert B. Crowell – Term ending 12/31/2017

RICKY WATANABE, County Clerk: The first interview on the Salary Commission, we have Robert B. Crowell.

Council Chair Rapozo: Hang on, Mr. Crowell. I will take public testimony. Mr. Pierce wanted to testify on the interview process? No. Okay.

(*Councilmember Yukimura was noted as present.*)

Council Chair Rapozo: We have a communication as well. Rather than take it out of the Consent Calendar...you want to do it on the Communication? Okay. Mr. Crowell.

There being no objections, the rules were suspended.

Council Chair Rapozo: Mr. Crowell, thank you for being here. You are being nominated for a term on the Salary Commission.

ROBERT B. CROWELL: Correct.

Council Chair Rapozo: You have been here before right?

Mr. Crowell: Yes, I have.

Council Chair Rapozo: If you just want to just start with an opening statement and then we will open it up for any questions if needed.

(Councilmember Kualii was noted as present.)

Mr. Crowell: Good morning everyone. Bob Crowell for the record. I am just here to answer questions. I have been on the Salary Commission previously. I have rested one (1) year and I was asked to return. I am more than willing to serve.

Council Chair Rapozo: Thank you, sir. Any questions for Mr. Crowell? Councilmember Yukimura.

Councilmember Yukimura: First of all, thank you for your service. Secondly, I guess, it will be good to have your experience and continuity, I believe. Do you have any thoughts about where we would go now with the executive salaries that you folks developed?

Mr. Crowell: From what I understand, and I have not been following it that closely, I think that this Council...I do not know if the word is "rejected" the Resolution that the Salary Commission proposed. I do not have any real feelings about that right now. I would like to review what has gone down and the reasons for the rejections. Like I said, I have not followed it that well. Me personally from being on the Salary Commission those years past, I tend to agree with what I thought I saw in the Resolution, and that was that these individuals have not been or these positions. I should not say individuals.

Councilmember Yukimura: Right.

Mr. Crowell: The positions have not been given a pay raise since, I believe, 2009 while all of the bargaining units have been raised. I think the bottom line is that the Salary Commission, it was my feeling that the Salary Commission proposes a maximum salary. The appointing authority whether it be a Commission or whether it be the Mayor can raise them accordingly. That is basically my feelings right now. I do not have any. Like I said, I would like to review why the Council had rejected the proposal.

Councilmember Yukimura: Thank you for your candor and your thoughtfulness. Speaking as someone on this side of the banister, I think some of the reasons were concerned about lack of qualifications of some of the managers. I tried to point out that was not the Salary Commission's *kuleana*, if you will, that is was those who appoint the managers who really needed to be accountable for that. I mean, that salaries seemed high to some people, but what would have helped me as a decision maker would have been to see more comparable in the private sector. For example, for an engineer that oversees as many people as our County Engineer oversees or even the qualifications for the educational achievements of the managers for comparable managers in the private sector. That would have helped somewhat. So, a little bit more detail. I know there was a very comprehensive study done in 2008 or 2007 and there was talk about it being too expensive to do another study, but that kind of documentation would help us. If it shows that someone overseeing a Department of three hundred (300) people, the variance in the nature of the work, and the educational levels of people in the private sector who are picked for that kind

of thing, it might have helped us see how below the market our salaries may be and why we may sometimes have trouble recruiting. I appreciate it. I mean, when we nominate or when we excuse me, interview to confirm, it is an opportunity to have a real exchange. I appreciate your thoughts and wanted to share a few of mine.

Mr. Crowell:

Thank you.

Council Chair Rapozo:
Councilmember Kualii'i.

Thank you. Anyone else? Sure.

Councilmember Kualii'i: Good morning. Nice to see you here and thank you for your willingness to serve again. My one (1) basic question because when we dealt with the Salary Resolution most recently, it was very clear to me of what an awesome responsibility it is. I just...and you have done it before. So, I am sure you are aware of that responsibility and that in fact, the largest expense of this County is salaries. The positions that are appointed and elected, there are over fifty (50) positions and it amounts to over one million dollars (\$1,000,000) of our budget and potentially rising. I would say that one of the main things we heard, and I think as a Council, I would hope that yourself being serving on the Commission and anyone else that is on the Commission, would recognize that by the Charter, you actually have all of this power to make the decisions and that this Council has no choice but to accept your recommendation or that it will automatically pass unless we have five (5) votes to overturn that. That is what happened recently, but that is not easy to do. I think in many ways, it probably happened because although many of us agree that raises are in order at some point, that maybe this was not time because of the tight constraints on our budget. My main thing too, I think it was clear with Human Resources and the members of the Commission that came forward was that it is important for me to make a decision to support to have the justifications. Bring the background and bring the information. More than just a study. Bring the proof that we have a problem that needs to be addressed. We are losing good people because we are not paying them enough. We are unable to hire good people because we are not offering a high enough salary. Would you not agree that those two (2) thing are pretty important as far as setting salaries and hiring people or keeping people?

Council Chair Rapozo:

Thank you.

Councilmember Kualii'i:

Thank you.

Council Chair Rapozo:
Mr. Crowell.

Anyone else? If not, thank you very much,

Mr. Crowell:

Thank you.

Council Chair Rapozo:
will be notified.

We will vote on the Resolution later and you

Mr. Crowell:

Thank you.

Council Chair Rapozo:

Thank you. Next interview.

Mr. Watanabe:
Commission, Shirley T. Akita.

Next, we have from the Liquor Control

2. LIQUOR CONTROL COMMISSION:

- Shirley T. Akita – Term ending 12/31/2017

SHIRLEY T. AKITA: Good morning.

Council Chair Rapozo: Good morning. Thank you and welcome.

Ms. Akita: Thank you.

Council Chair Rapozo: Like Mr. Crowell, I think you have been here before.

Ms. Akita: I have. I am Shirley Akita. The last time I appeared before the Council, it was a different Council except for a few who I have known for many years. Those of you who are new, as a former Superintendent of Schools, after I retired more than years than...times have changed. What I did after that is I felt a need to give back in a different way, not in a formal sense. After serving on many Boards of different kinds, I decided to do that kind of volunteer work of hands on. One of my favorite is Retired Seniors Volunteer Program (RSVP) where I have seen some of you there. Aside from being on the Board, I have also been as a volunteer in the gift shop. That was a humbling beginning for me. What does that have to do with the Liquor Commission? In fact, my husband asked me the same question. Why would you want to be on the Liquor Commission again? I said, "That is a good question." I said, "First of all, because of my experience, I think I have something to offer. Secondly, it is because of my desire and commitment to a lifelong learning of education." Underage drinking is never going to end, but through education, we can make things better for our community. I truly believe in this and I have been excited by what the Commission has been able to do in the past and are under new leadership there now. I do not know exactly what is happening, but from what I understand, there are other new measures that are being put into place with the schools which excites me. I would like to be part of it. So, here I am and ready to answer any questions you might have.

Council Chair Rapozo: Thank you very much. Councilmember Chock.

Councilmember Chock: No questions, Mrs. Akita. Just over the years, I have talked to you on the phone so many times and it has been good to kind of get to know you a little bit differently and see you in person. I look forward to your continued service. I just wanted to thank you and *aloha* you for serving and share the same sentiments in terms of continuous learning. I appreciate it.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Yukimura.

Councilmember Yukimura: Good morning, Shirley.

Ms. Akita: Good morning.

Councilmember Yukimura: I am so glad that you mentioned underage drinking because I was going to ask you a question and you have already answered it in terms of your focus on it because I think that is maybe the most influential aspect

of the Liquor Commission's work in terms of our young people for whom you have shown such *aloha* and concern all of your life and career. I will look forward to your focus on that Commission and see what it can do, and as you pointed out, there is new leadership. I am hoping that we will see some exciting things from the Commission. As you indicated, you are wanting to catch up and see what they are doing right now. I do not imagine, right now, you have any specifics.

Ms. Akita: No, I do not. I do know they have implemented some new measures which I am excited to learn about and see how I can fit in to it. Thank you.

Councilmember Yukimura: One of the things those of us who have been working in the area of drug prevention and everything are interested in measurable results. I do not know what measures are being used to find out whether these new programs are working, but I hope that there will be some attention to that so we can find out if these new efforts are effective.

Ms. Akita: Definitely.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Thank you. Any other questions for Mrs. Akita? If not, thank you again for stepping u.

Ms. Akita: Thank you.

Council Chair Rapozo: Just one (1) thing. A lot of violations get issued and often times –we have had this discussion. I usually ask the nominees the same question, but I will just let you know that I think many times, the fine is not sufficient, that sometimes we have to revoke the license for a busy period like a weekend because although the fines have worked for some, and it may work for the smaller operations, but on the big corporate operations, the one thousand dollars (\$1,000) or whatever it is. I know often times the Commission will suspend part of the fine. I know this for a fact because a lot of the businesses here have a zero tolerance policy. So, if they get cited, then the manager will get terminated. That is a good thing, but often times it may not be the manger's fault. It was whatever reason. The employee's issue, but they hold the managers accountable, which is a good thing. Sometimes when you look at it, the one thousand dollars (\$1,000) fine is really almost like a license to steal. It is, hey, we can afford it. We will pay it. If you shut them down for a Friday night or a Friday and Saturday, that impacts them a little bit more than the one thousand dollars (\$1,000). All I am asking is that you consider that as you enter into that term as a Commissioner. For some, the money is not an issue, but it is that license that really means a lot to their functions. If you could just think about that. I am really happy that you are here. Thank you.

Ms. Akita: Thank you. Any other?

Council Chair Rapozo: Thank you very much. Next item, please.

MINUTES of the following meetings of the Council:

December 17, 2014 Council Meeting

Councilmember Kualii moved to approve the Minutes as circulated, seconded by Councilmember Kagawa, and unanimously carried (*Councilmember Hooser was not present.*)

(*Councilmember Yukimura was noted as not present.*)

Council Chair Rapozo: Next item, please.

CONSENT CALENDAR:

Mr. Watanabe: Council Chair, I understand that there are a couple items that wants to be removed.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii moved to remove C 2015-55 and C 2015-59 off of the Consent Calendar, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Any discussion?

The motion to remove C 2015-55 and C 2015-59 off of the Consent Calendar was then put, and unanimously carried (*Councilmember Hooser was not present.*) (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauai, Councilmember Yukimura was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Thank you. Let us move to the rest of the Consent Calendar.

C 2015-56 Communication (01/20/2015) from the Acting Director of Finance, transmitting for Council information, the Period 1, 2, and 3 Financial Reports – Detailed Budget Reports, Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, and Revenue Reports as of September 30, 2014, pursuant to Section 21 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kauai for the Fiscal Year 2014-2015.

C 2015-57 Communication (01/22/2015) from the County Engineer, transmitting for Council information, the following monthly Building Permit Reports for the months of October, November, and December 2014:

1. Building Permit Processing Report – Information on quantity and value of incoming applications, value of permits issued, and status of Revolving Fund;
2. Building Permit Estimate Value Summary – Graph of Building Permit estimated values over a one (1) year period;
3. Building Permits Tracking Report – Summary of processing times overall and by Agency for all permits issued during the reporting period; and
4. Building Permits Status: All current open applications – Summary review times overall and by Agency for all outstanding permit applications.

C 2015-58 Communication (01/23/2015) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims against the County of Kaua'i from October 1, 2014 through December 31, 2014.

C 2015-60 Communication (01/28/2015) from the Director of Planning, transmitting the Planning Commission's recommendation to amend zoning conditions in Ordinance No. PM-31-79, as amended, by PM-2009-391, and Ordinance No. PM-2001-354 to allow for direct vehicular access onto Po'ipū Road from the Kiahuna Master Planning Area (*John Horowitz, et al., Applicants*).

C 2015-61 Communication (01/29/2015) from Council Chair Rapozo, transmitting for Council consideration, a proposed draft Bill to authorize the Office of the County Auditor to procure the services of a contract auditor and approving a contract for a contract auditor from appropriations of a later fiscal year for more than one fiscal year. The purpose of this proposed draft Bill is to authorize the Office of the County Auditor to procure the services of a certified public accountant or firm of certified public accountants to conduct the independent audits of all County funds and accounts as required pursuant to Sections 3.12 and 32.02(A)(1) of the Charter of the County of Kaua'i, as amended, and the Single Audit Act of 1984.

Councilmember Kagawa moved to receive C 2015-56, C 2015-57, C 2015-58, C 2015-60, and C 2015-61 for the record, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion?

The motion to receive C 2015-56, C 2015-57, C 2015-58, C 2015-60, and C 2015-61 for the record was then put, and unanimously carried (*Councilmember Hooser was not present.*) (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Yukimura was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Thank you. Next item, please.

Mr. Watanabe: Chair do you want to go back to the two (2) items that was taken off of the Consent Calendar?

Council Chair Rapozo: C 2015-55.

Mr. Watanabe: Okay.

C 2015-55 Communication (01/16/2015) from the Director of Human Resources, transmitting for Council information, the October-December 2014 Quarterly Report, pursuant to Section 19 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2014-2015, which includes new hires, transfers, reallocations, promotions, and vacancies for the second quarter.

(*Councilmember Yukimura was noted as present.*)

Council Chair Rapozo: Thank you. I understand that there is a – Mr. Kualii, did you want to refer this to a Committee for further discussion?

Councilmember Kualii: Yes, I have a lot of questions coming up on budget time and being that I am just coming back to the Council, I read through the report quite extensively and I just have so many questions that I think we should maybe work on this a little bit in the Budget and Finance Committee and have Human Resources come. I do not know what the appropriate thing is.

Council Chair Rapozo: You just make a motion to refer it to the next Budget & Finance Committee Meeting. If you could do that.

Councilmember Kualii moved to refer C 2015-55 to the February 18, 2015 Budget & Finance Committee Meeting, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Any discussion? I too have questions. I will not be here next week. I will be in Washington DC, but I will send you my questions, Mr. Kualii, that you can hopefully get some answers for. Mr. Kagawa.

Councilmember Kagawa: If not, we could wait until you come back. I would have no problem doing that.

Councilmember Kualii: I am gone too.

Council Chair Rapozo: Oh, you are gone next week too?

Councilmember Kualii: Yes, the 19th and then Chair and Vice Chair.

Council Chair Rapozo: What is the next Committee Meeting? You will be here? We will just move it to the first March Committee Meeting.

Mr. Watanabe: March 4th.

Council Chair Rapozo: Okay. You are not here on that day either?

Councilmember Kualii: Yes, I come back on the 9th.

Council Chair Rapozo: Okay.

Councilmember Kualii: But that is okay. I can make my questions clear.

Council Chair Rapozo: Okay. Well, I will be hear.

Councilmember Kualii: Yes, and he will be here.

Councilmember Kagawa moved to refer C 2015-55 to the March 4, 2015 Budget & Finance Committee Meeting, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Any further discussion? Anyone wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to refer C 2015-55 to the March 4, 2015 Budget & Finance Committee Meeting was then put, and unanimously carried (*Councilmember Hooser was not present.*)

Council Chair Rapozo: Motion carried. Next item, please.

C 2015-59 Communication (01/27/2015) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointees to the various Boards and Commissions for the County of Kaua'i:

1. Charter Review Commission
 - Cheryl A. Stiglmeier – Term ending 12/31/2015
2. Liquor Control Commission
 - Shirley T. Akita – Term ending 12/31/2017
3. Salary Commission
 - Robert B. Crowell – Term ending 12/31/2017

Council Chair Rapozo: Thank you. Can I get a motion to receive?

Councilmember Kualii moved to receive C 2015-59 for the record, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Any discussion? If not, any public testimony? Mr. Pierce.

There being no objections, the rules were suspended to take public testimony.

GARY PIERCE: *Aloha.* My name is Gary Pierce for the record. This is on C 2015-59. Please excuse my ignorance on the performance and the responsibility of some of these Commissioners. I just want to thank them for their donation of their time. I hate to beat them up, but here I go. Specifically, I am going to talk about the Liquor Commission. However, the appointed positions are nothing more than crony government at work. The Liquor Fund. There has been no restraint on funding or spending. There has been five (5) investigators and a Director who has paid over one hundred three thousand dollars (\$103,000). A bureaucrat who has to allegiance to the voters or the public, only to the Mayor who appointed them. Over one hundred thousand dollars (\$100,000) in travel, in conferences for training in Colorado, Las Vegas, and all sorts of nice places. Have we not heard of the internet? A lot of the training –most of my continuing education is on the internet and training. This can be done and it could be saving a lot of money. Hopefully, this new Liquor Commissioner can do that. All appointees should be properly vetted. Do you remember Gary Baldwin? He was our previously Planning Director. A felony fugitive that was on television for almost thirteen (13) years here. The previous Director of Finance, Steve Hunt, another appointee, experience was only...

Council Chair Rapozo: Mr. Pierce...

Mr. Pierce: ...in...

Council Chair Rapozo: Mr. Pierce, I am sorry. I have to stop you because the agenda item is on the...

Mr. Pierce: Liquor Control?

Council Chair Rapozo: Yes, on the interviews that happened today. I appreciate your comments, but we have to limit it to what is on the agenda, and that is the interview process that went on today.

Mr. Pierce: Okay. In summary then, all appointments must be vetted through Human Resources (HR) and background checks must occur for criminal, mental disabilities, and drugs at a minimum for any Directors. Thank you.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: I just want to make a correction. Gary Baldwin was not a Planning Director. He was perhaps the Chair of Planning Commission.

Mr. Pierce: Excuse me.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: The points you bring up about the hiring and the testing, that might be appropriate at the March 4th meeting that we just referred.

Mr. Pierce: When I worked for the hospitals under California Title 22, I had to be fingerprinted and background checked.

Council Chair Rapozo: Yes, thank you. Any other public testimony?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: The motion is to receive.

The motion to receive C 2015-59 for the record was then put, and unanimously carried (*Councilmember Hooser was not present.*)

Council Chair Rapozo: Motion carried. Next item, please.

COMMUNICATIONS:

C 2015-62 Communication (01/12/2015) from the Executive on Aging, requesting Council approval to receive, expend State funds, and indemnify the State Executive Office on Aging for the award of additional supplemental Kupuna Care funds in the amount of \$238,720 to the County of Kaua'i, Agency on Elderly Affairs, which will be used to provide homemaker, personal care, adult day care, and chore

services for program participants: Councilmember Kagawa moved to approve C 2015-62, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion? Any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2015-62 was then put, and unanimously carried (*Councilmember Hooser was not present.*)

Council Chair Rapozo: Motion carried. Next item, please.

C 2015-63 Communication (01/12/2015) from the Executive on Aging, requesting Council approval to receive, expend, and indemnify the State Executive Office on Aging for the award of a total sum of \$159,200 to the County of Kaua'i, Agency on Elderly Affairs, for the operational costs associated with the Aging and Disability Resource Center (ADRC). The breakdown by funding source is as follows:

1. ACT 122 - \$88,863
2. ACT 151 - \$70,337

Councilmember Kualii moved to approve C 2015-63, seconded by Councilmember Yukimura.

Council Chair Rapozo: Moved and seconded. Any discussion?
Councilmember Kagawa.

Councilmember Kagawa: I just have a question for Kealoha.

There being no objections, the rules were suspended.

Council Chair Rapozo: Kealoha, please.

LUDVINA KEALOHA TAKAHASHI, Executive on Aging: Good morning. Kealoha Takahashi.

Councilmember Kagawa: *Mahalo* Kealoha. I am just wondering on both grants that we took, is that a status quo, same amount we are getting, or is it an increase or is it a decrease from the prior year?

Ms. Takahashi: ACT 122, the eighty-eight thousand dollars (\$88,000), that is a base grant. ACT 151, the seventy thousand dollars (\$70,000), that is an additional. It is a supplemental, addition.

Councilmember Kagawa: So, it is more. Additional.

Ms. Takahashi: Yes.

Councilmember Kagawa: If I can just go back to the previous agenda item, the two hundred thirty-eight thousand dollars (\$238,000), the Kupuna Care, was that a status quo, increase or decrease?

Ms. Takahashi: That is the supplemental, one (1) time only.

Councilmember Kagawa: One (1) time only?

Ms. Takahashi: Yes.

Councilmember Kagawa: So, it is new money?

Ms. Takahashi: Yes.

Councilmember Kagawa: Very good. Thank you. Thank you, Chair.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: Hi, Kealoha.

Ms. Takahashi: Hi.

Councilmember Yukimura: The new money is money that we have never gotten before and it is for new programs?

Ms. Takahashi: It is an additional to what we usually get as a base budget. Are you inquiring about the two hundred thirty-eight thousand dollars (\$238,000)?

Councilmember Yukimura: Yes

Ms. Takahashi: Yes, that is a supplemental grant that the legislature appropriated.

Councilmember Yukimura: It is a one (1) time grant?

Ms. Takahashi: It is just a one (1) time, yes.

Councilmember Yukimura: It will enable us to do additional services then?

Ms. Takahashi: Yes.

Councilmember Yukimura: In the nature of personal care, adult day care, and et cetera?

Ms. Takahashi: Right. I also need to include transportation and home delivery meals where the needs are. We will be able to cover those additional services.

Councilmember Yukimura: But it is a one (1) time only.

Ms. Takahashi: Yes. We have not received the contract yet from the State. So, hopefully, they will extend it beyond the June 2015 and hopefully extend it until next year. It is just a one (1) time grant.

Councilmember Yukimura: Yes, which is to be expended in this fiscal year?

Ms. Takahashi: Yes.

Councilmember Yukimura: You have to expend this money before June?

Ms. Takahashi: And hopeful we can extend it until next year.

Councilmember Yukimura: Yes, but if you cannot extend it, then it will be giving services and then we will not be able to give it? Okay. Alright, thank you.

Ms. Takahashi: You are welcome.

Council Chair Rapozo: Any other questions? You have attached a very informative budget in the paperwork which clearly defines what the money is going to be used for.

Ms. Takahashi: Thank you.

Council Chair Rapozo: It looks like the seventy thousand dollars (\$70,000) is for directories?

Ms. Takahashi: Right.

Council Chair Rapozo: That is the money that you are...

Ms. Takahashi: We have also for training for staff.

Council Chair Rapozo: Right.

Ms. Takahashi: And interstate training as well.

Council Chair Rapozo: Okay. If you look at it, it is pretty –I like it when it comes over like that because there is no guessing as to what the money is going to be use for. I appreciate that. Thank you, Kealoha.

Ms. Takahashi: Thank you.

Council Chair Rapozo: Any other questions?

There being no objections, the meeting was called back to order, and proceed as follows:

Council Chair Rapozo: Any further discussion? Councilmember Yukimura.

Councilmember Yukimura: Yes. I just want to acknowledge and thank the Agency for Elderly Affairs because their grant work is enabling them to really reach out to more seniors. I hope that we can find a way to sustain the one (1) time grant. The work that is done by the Agency is very exemplary and it is really helping a lot of our seniors. Thank you very much.

Council Chair Rapozo: Any further discussion?

The motion to approve C 2015-63 was then put, and unanimously carried
(Councilmember Hooser was not present.)

(Councilmember Hooser was noted as present.)

Council Chair Rapozo: Next item, please.

C 2015-64 Communication (01/14/2015) from the Executive on Aging, requesting Council approval to receive and expend a donation in the amount of \$100 from Kaua'i Community Federal Credit Union, for the purpose of printing the Kupuna Resource Directory: Councilmember Kualii moved to approve C 21015-64 with a thank-you letter to follow, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Discussion? Anybody wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 21015-64 with a thank-you letter to follow was then put, and unanimously carried.

Council Chair Rapozo: Thank you. Motion carried.

C 2015-65 Communication (01/15/2015) from Council Chair Rapozo, requesting Council consideration, for the public release of the following County Attorney opinion relating to Bill No. 2565 regarding the purchase of Real Property Assessment Software:

- County Attorney Opinion dated January 12, 2015
(Tracking No. 14-2249)

Councilmember Kualii moved to approve C 2015-65, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Any discussion? Anyone in the... Councilmember Yukimura.

Councilmember Yukimura: Did we get an okay or a response from the County Attorney? Okay. They have no objections? Yes. Okay, thank you. I see our staff nodding, and the answer to my questions is "yes."

Council Chair Rapozo: Anybody in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: Thank you, Mr. Pierce.

Mr. Pierce: Gary Pierce for the record. This is about the National Security Agency (NSA) flying over and taking pictures. I am against big government. I believe this is an intrusion, however, I have talked with a number of other people. There are lot of non-permitted structures that are up here and usually it is due to a large family that has moved in. I do not know. It could be a detriment also to some of our housing at the same time. I just wanted to bring that point up. I think it should be looked at, but again, this is cost-effective from what is put forward

to the County. Thank you and that is all I want to say. Big government, it could run into problems.

Council Chair Rapozo: Thank you, Mr. Pierce. Anyone wishing to testify? Just so that the public understand, this is actually utilizing existing data that is out there in the internet, that is public information, and it is really the interface between our existing software with what is available to find out. We are not flying drones or we are not using helicopters to go spy on people's homes. I just wanted to make that point clear. Thank you. Anybody else wishing to testify?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion? If not, this vote will require five (5) votes. Can we get a roll call, please?

The motion to approve C 2015-65 was then put and carried by the following vote:

| | | |
|-----------------------|-----------------------------------|------------|
| FOR APPROVAL: | Chock, Kagawa, Kaneshiro, Kualii, | |
| | Yukimura, Rapozo | TOTAL – 6, |
| AGAINST APPROVAL: | Hooser | TOTAL – 1, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Mr. Watanabe: Six (6) ayes.

Council Chair Rapozo: Thank you. Motion carried. Next item, please.

C 2015-66 Communication (01/15/2015) from the County Engineer, requesting Council approval, to purchase a new Leica Survey Robotic Total Station System, at a cost of \$40,000, to replace the current survey equipment in the Engineering Division that is outdated and unreliable to perform surveys for many of the Capital Improvement Projects: Councilmember Kagawa moved to approve C 2015-66, seconded by Councilmember Kualii.

Council Chair Rapozo: Any further discussion?

Mr. Watanabe: Mr. Chair, we have one (1) registered speaker for this item, and that is Gary Pierce.

Council Chair Rapozo: Thank you.

There being no objections, the rules were suspended to take public testimony.

Mr. Pierce: Gary Pierce for the record. The engineering for the new equipment of forty thousand dollars (\$40,000), it was saying that it was unreliable. I would just like to bring up in the early 1800s Lewis and Clark mapped the United States with hand-held devices and we are still using those meets and

bounds. I am really concerned about a small high cost item. We have lost generators, trucks, and everything in this community. I am going to end it at that. This has got to be something that should be looked at and controlled. Thank you.

Council Chair Rapozo: Thank you. Anyone else wishing to testify?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Any further discussion? Councilmember Yukimura.

Councilmember Yukimura: I just want to note that the information we have received from the County Engineer is not that the equipment was lost, but that it is outdated and unreliable to perform. To me, that is a legitimate reason to replace a piece of equipment. That is very critical to the survey work of our Department.

Council Chair Rapozo: Thank you. Mr. Hooser.

Councilmember Hooser: For the record Chair, I came in late and the prior item, I mis-voted on, but we do not have to revote on. Just for the record, I do support releasing the County Attorney's opinion.

Council Chair Rapozo: Yes, I figured that, but every man and woman has a right to their vote. Thank you.

Councilmember Hooser: I came in late and I thought we were voting on the actual item, yes. I appreciate the consideration. Just for the record.

Council Chair Rapozo: No problem. Thank you. Any further discussion? I am going to approve this today. I do want to send over a communication requesting this. What I am reading is that it will allow the Engineering Department of Division to do less outsourcing of surveys, that they are going to do this in-house, and I guess I just question if they have the manpower in-house because we keep hearing from the Engineering Department, from Public Works that we do not have manpower. We do not have it. We are short staffed. This is an additional duty in-house. Granted, if it going to do what this is saying it is going to do, then it is definitely a viable purchase. I just want to make sure that we do not see in the budget two (2) more positions because we are going to start doing in-house surveys. Thank you. It looks really good on paper, but I am concerned we have equipment that we have purchased that is sitting in other Departments. I just want to make sure we are going to be able to use this. Mr. Kagawa.

Councilmember Kagawa: I would like to ask the Councilmembers if we can push it to the end or when Public Works can send somebody here and just answer these few questions that we have. I think...oh. Thank you. Ask and you shall receive.

There being no objections, the rules were suspended.

Council Chair Rapozo: Mr. Dill or whoever can talk about this piece of equipment.

LARRY DILL, P.E., County Engineer: Good morning. For the record, Larry Dill, County Engineer.

MICHAEL MOULE, Chief of Engineering:
of the Engineer Division.

Michael Moule, the Chief

Council Chair Rapozo: I am not sure if you heard the question, but basically what the concerns were that the memorandum that came over says that you were going to do more in-house and less outsourcing of surveys. My question is, do you have the manpower to do that now?

Mr. Dill: Yes, we do. In fact, this is a one (1) man robotic station. So, one (1) man can run this and we have somebody in-house now who is able to do that.

Council Chair Rapozo: In addition to what they are normally doing right now?

Mr. Dill: Correct, yes.

Council Chair Rapozo: Okay.

Mr. Dill: It will not be a full-time activity.

Council Chair Rapozo: Right. Councilmember Yukimura.

Councilmember Yukimura: In your explanation you say that the money is coming from the Complete Streets account. Could you explain how this piece of equipment is related to Compete Streets?

Mr. Moule: Yes, absolutely. Many of the –Michael Moule, Chief of the Engineering Division. Many of the projects, in fact the first one we are going to use it for which is the Kawaihau boardwalk to set the stakes for the new footing for that. Honestly, most of the other projects that I am thinking about using this equipment for in the future involve Complete Streets elements. In other words, walking and biking facilities. There may be times when it is used for other things as well, but most of our road projects either are specifically like this Kawaihau Road, it is not a road. It is a path. The Kawaihau boardwalk is specifically bike and pet specific. All of our road projects really now include Complete Streets principles and will include whatever is appropriate for that project for Complete Streets.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Mr. Kagawa.

Councilmember Kagawa: I am trying to paint a picture of what this Robotic Total Station System is. I am picturing a robot that goes around and helps you survey.

Mr. Moule: Not quite.

Councilmember Kagawa: Is it just software?

Mr. Moule: The way a Robotic Total Station works is like most survey equipment, you set it on a tripod out in the field somewhere, but what it does, it does not move around on its own. You set it by itself. What it does is it rotates and follows the surveyor around. The surveyor will hold the device that –the “rod” as

we call it, that it needs to react to, and it literally follows that around and then shoots the beam towards the device, reflects back, and then it tells you what exact point you the rod is sitting at. It does not move around like a robot, but it spins, turns, follows by itself, and follows the surveyor around as they are moving the rod to get the points.

Councilmember Kagawa: In some ways compared to the old surveying method, it saves a person.

Mr. Moule: Absolutely.

Councilmember Kagawa: Because you have one (1) person that can do the job of two (2).

Mr. Moule: Absolutely. In some areas, you might have two (2) people out. If you are really in a situation where you have to move it a lot. If you are in really flat terrain you can survey for half a day, well, not that long, but a really large area setting it at one (1) spot. If you are in a situation where you have to move it a lot, you might want to have two (2) people so you can move it and be more efficient with that. That overall, saves staff time because you are using two (2) people instead of having one (1) person walking back and forth to the machine a lot, if that makes sense. Depending on your terrain and what you are working on, you might use one, you might use two, but it does allow for one and in many cases, that would be possible and we would most often strive to use just one (1) person with this machine.

Councilmember Kagawa: My last question is, now that I picture what it is, I mean, it seems kind of high. Forty thousand dollars (\$40,000) for a piece of equipment, but that is just the going rate?

Mr. Moule: Yes. Honestly, I am not a surveyor. I am an engineer. I have not surveyed for about fifteen (15), twenty (20) years ago, more like twenty (20) years ago before we had robotic ones, honestly. I believe in addition to the actual device, the tripod is a special one. You cannot use your normal survey tripods. It is the combination of the equipment that you need. It is very high-tech. The beauty of this machine is that we are able to take –the first thing we are going to be doing with it is the staking. We are actually putting stakes in the ground to build something, but most often we are probably going to be using to collect data, topographical surveys for an area that then this machine allows us to fairly simply take the data that it collects when it collects all of the terrain of a potential new road or new path or property or whatever it is. We service other Departments as well. We were just talking to Parks & Recreation about surveying some things for them so they could get this kind of data so they can do design. You take the data from the machine, it goes into your computers into the Computer-Aided Design (CAD) programs directly, and we can design based on that. We are seeing a lot of potential uses for this and making things more efficient ultimately. I should also mention, this is something that we have not done a lot of in-house surveys straight to design in recent years, but the Engineering Division used to do a lot of that back in the old paper design days and we sort of catching up so to speak. We are still going to be using consultants for the larger projects because we do not have the staff to do all of those, but this helps us do the smaller projects in-house, some of it we have talked to you about it in the past about saving money and going out to consultants for every little thing. We think this is a way to be much more efficient overall.

Councilmember Kagawa: Sounds good. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: You are not just saving cost, but you are also saving time for getting a consultant on board et cetera?

Mr. Moule: Exactly. I mean, doing a procurement for every small design project is...

Councilmember Yukimura: Not efficient.

Mr. Moule: There is not much staff time left in getting a small design contract versus a large one.

Councilmember Yukimura: Right.

Mr. Moule: So, that saves time on that as well. Good point.

Councilmember Yukimura: Okay. This is a very expensive piece of equipment. Do you have in place, protocols to make sure that only trained people use it and whatever maintenance is necessary is done well so that this piece is kept and services us for a long time?

Mr. Moule: Yes. We keep all of our survey equipment in a locked cabinet in our office. We can make sure it is secured that way and it would only be used by the folks that are trained to use it. At this time, there is only a handful of people in the office that are trained in that way.

Mr. Dill: We have send these things also on a regular basis to O'ahu for calibration because that sort of thing is not available here as well. It takes special care for these pieces of equipment.

Councilmember Yukimura: If Parks needs it, you will not be just giving it to Parks?

Mr. Moule: No.

Councilmember Yukimura: Okay.

Mr. Moule: In fact, if Parks needs surveying...in fact, the request that came recently was for us to go help them to do the survey. With this machine, it would be much easier for us to do that and it would not take a lot of time for us to do that.

Councilmember Yukimura: That is very good and I appreciate the inter-departmental assistance that you are all working with. It is very good, that philosophy. Thank you.

Council Chair Rapozo: Thank you. Any more questions? What is the anticipated savings from contracts? Your memorandum says "a significant amount of money by not hiring survey consultants." What is the estimated...what is significant?

Mr. Moule: We have not done actual calculations of how much this could be. I mean, it really depends on overtime.

Council Chair Rapozo: What is significant? You say "significant" in your memorandum. Is significant forty thousand dollars (\$40,000)? How much do we pay now in survey consultants annually?

Mr. Moule: Right now most of those are rolled into larger design contracts. I would have to calculate it. We have not calculated that amount. Honestly, part of this for doing things that we are not currently doing, we pushed off designing some projects we want to design because we have not had the staff or the ability to do it in-house and we do not want to go out to bid for a small design project. I really cannot answer that at this time, how much the actual savings would be because it really depends on how much we are doing at any given year. Over time, over the course of five (5) to ten (10) years and longer that this equipment will be usable, it could be in the hundreds of thousands of dollars, estimated, but we have not got the actual calculations because we do not...these are really more for anticipated changes to our current practice in what we are doing. It is hard for us to estimate.

Council Chair Rapozo: Okay. Well, maybe the memorandum should have reflected that instead because when you state something like "saving a significant amount of money," it tells me that there is always a return on investment in my mind. I do not want to purchase forty thousand dollars (\$40,000) because we are going to do the boardwalk and that is it. Then, if something pops up we are going to use it. Do you know what I am trying to say? We are trying to do the best with the moneys that we have and if it is going to save money and there is a huge return on investment, then it is a no-brainer. If it is not, then we really have to think. Councilmember Yukimura.

Councilmember Yukimura: I agree. I wonder whether just a rough estimate if we did give (5) projects like this Kawaihau project in a year or ten (10) in a year, whatever you think. We would hire a consultant, it would cost this much. We would use one (1) person, it would cost this much. We might have to do job costing and we should be doing this in the County. I do not know if we are. Anyway, if somebody can do a rough calculation, that would be interesting and not now, but just a response back on the envelope calculations.

Mr. Dill: Okay.

Mr. Moule: I am going to see if I can get someone to get us...

Council Chair Rapozo: We can...I think I heard you that in the life span of the equipment, potentially hundreds of thousands of dollars which sounds reasonable considering the amount of projects we can do. I mean, for right now, that is sufficient. If any Councilmembers have questions, we can send them over in writing.

Mr. Dill: Okay. Thank you.

Council Chair Rapozo: Thank you.

Mr. Moule: Thank you.

Council Chair Rapozo: Any other questions? If not, thank you very much Mr. Dill.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Any further discussion? Councilmember Yukimura.

Councilmember Yukimura: Based on the testimony from Public Works, thank you. It appears that this purchase will be using technology to do our work better. I think that is a valid reason to purchase. I also like that it is facilitating the implementation of our Complete Streets policy. For that reason, I will be voting for this.

Council Chair Rapozo: Any other discussion? Mr. Kagawa.

Councilmember Kagawa: Yes, I mean, I think I want to thank you folks for raising some concerns. We were almost ready to approve it without asking any questions and then we talked about the generator at Kōloa and whatnot. I think when we talk about it a little bit, at least it brings some awareness as to how much these pieces of equipment cost. I would not want to see us buy these kinds of forty thousand dollars (\$40,000) equipment and we put it in the back of a truck on a bumpy road. I hope we all show the care that these things cost and we take care of them. Thank you.

Council Chair Rapozo: Thank you. Any other comments? Likewise, I will be supporting this. Again, I rely a lot on what is sent over in the justification. I do expect to see a reduction in outside contracts for surveys. I mean, I think that is what the goal is and it makes sense. I will be supporting it. Any other comments?

The motion to approve C 2015-66 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2015-67 Communication (01/15/2015) from the Housing Director, requesting Council approval for the following:

1. Acquisition of a residential unit at 1617 Papau Street, Kapa'a, Kaua'i, Hawai'i, TMK: (4) 4-6-038-036, for a purchase price of not more than \$369,000 under the County's Community Development Block Grant (CDBG) Program based on the fee simple market appraisal;
2. Resale of 1617 Papau Street, Kapa'a, Kaua'i, Hawai'i, by leasehold for not more than the leasehold market appraisal, which will be obtained through this transaction; and
3. Authorize the County Clerk to sign legal documents related to these transactions.

(Councilmember Yukimura was noted as not present.)

Councilmember Kagawa moved to approve C 2015-67, seconded by Councilmember Chock.

Council Chair Rapozo: Moved and seconded. Any discussion?
Anyone wanting to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2015-67 was then put, and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Yukimura was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

Council Chair Rapozo: Motion carried. Next item, please.

C 2015-68 Communication (01/23/2015) from the Housing Director, requesting Council approval to decline the repurchase of Unit No. 601 in Ho'okena at Puhi, 2080 Manawalea Street, Lihu'e, Hawai'i, and grant the owner a one-year wavier of the buyback provision to allow for a market sale by the owner: Councilmember Kualii moved to approve C 2015-68, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2015-68 was then put, and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Yukimura was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

Council Chair Rapozo: Motion carried. Next item.

Mr. Watanabe: On the next item, we will move that to after the Executive Session.

Council Chair Rapozo: Thank you.

C 2015-70 Communication (01/23/2015) from the Real Property Tax Manager, requesting Council approval to dispose of Finance – Real Property Collections Files to include paid real property tax bills, cash register receipts, daily, monthly, yearly balancing reports, and miscellaneous files from Fiscal Years 1996-1997 to Fiscal Years 2005-2006, pursuant to Section 46-43, Hawai'i Revised Statutes and Resolution No. 49-86 (1986) as amended, for the following reasons:

- Kept for over seven (7) years and are no longer of use or value. Accounts Receivable and Trial Balance reports are saved on Microfiche and Reels.

Councilmember Kagawa moved to approve C 2015-70, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion? Mr. Hooser.

Councilmember Hooser: Yes, Chair, I wanted to confirm with the Property Tax Office that none of this information would impact any pending review of the property tax issues that are ongoing with the investigation, the Clark Report. I had requested from the Administration, assurances that some hold had been issued County-wide and had not gotten that in writing yet.

Council Chair Rapozo: Okay. You need two (2) minutes? Oh, yes. We will take public testimony right now.

There being no objections, the rules were suspended to take public testimony.

Mr. Watanabe: We have one (1) registered speaker, Gary Pierce.

Council Chair Rapozo: Mr. Pierce. Mauna Kea, if you talk to them, tell them we want it in writing, not over the phone. I just want a copy of what Mr. Hooser has requested, that none of those files being destroyed at tied to any existing. Mr. Pierce.

Mr. Pierce: Gary Pierce for the record. The destruction of files, these records should be kept until the property tax system is worked out. The cap goes back thirteen (13) years and in case there is a need for the recreation of these files. I echo Mr. Hooser's concern. They have overturned the cap and now they are going to destroy files and so recreation cannot occur.

(Councilmember Hooser was noted as not present.)

Mr. Pierce: This does not have to happen today or tomorrow. Keeping the files after seven (7) years is a proper administrative process. We could keep them until we work out our property tax systems on an ongoing basis. Thank you.

Council Chair Rapozo: Thank you, Mr. Pierce. Any other public testimony?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: We will wait. I believe Steve Hunt is coming over. I do not want not have a long discussion about that. It is real simple. If it is not including the documents, which I tend to agree with both Mr. Pierce and Mr. Hooser that we should not be destroying files are questionable. I want to see that in writing as well.

There being no objections, the rules were suspended.

Council Chair Rapozo: Mr. Hunt. Can we get Mr. Hooser back in here?

(Councilmember Hooser was noted as present.)

(Councilmember Kagawa was noted as not present.)

Council Chair Rapozo: Go ahead, Mr. Hooser.

Councilmember Hooser: Mr. Hunt.

STEVEN A. HUNT, Real Property Tax Manager: Yes.

Councilmember Hooser: Happy to see you here, really. It seemed like I have not seen you in a while. Welcome back. The item on the agenda involves the destruction of files, basically, receipts and miscellaneous items. I would just like confirmation verbally and then in a follow-up in writing, that none of the items being destroyed have any relevance or impact to the ongoing investigation into the property tax agricultural tax dedication that is referenced in the Clark Report.

Mr. Hunt: Yes, all of the records are either Microfiched or Reeled so they are information that would be available as backup information even if those originals were destroyed.

(Councilmember Yukimura was noted as present.)

Mr. Hunt: It only has information related to Tax Map Key (TMK), trial balances, and other information that balances the accounting of the real property collections.

Councilmember Hooser: Okay. Thank you. If you could follow-up in writing with that.

Mr. Hunt: Sure.

Councilmember Hooser: Thank you. Thank you, Chair.

Council Chair Rapozo: Thank you. Steve, as far as the Microfiche, it is more than just the accounts receivable and trial balance?

Mr. Hunt: The Microfiche information contains the same information that would be destroyed on an electronic file.

Council Chair Rapozo: So, we are losing nothing?

Mr. Hunt: We are getting rid of the hard copies.

Council Chair Rapozo: The physical? Okay. Thank you. Any more questions? If not, thank you, Steve. I appreciate you running over here.

Mr. Hunt: Okay. Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Any further discussion?

The motion to approve C 2015-70 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Motion carried. Next item, please.

CLAIM:

C 2015-71 Communication (01/26/2015) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Vance Kamibayashi, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Council Chair Rapozo: Can I get a motion please?

Councilmember Kualii moved to refer C 2015-71 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Thank you. Any discussion? Seeing none, no public testimony.

The motion to refer C 2015-71 to the County Attorney's Office for disposition and/or report back to the Council was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Motion carried. Next item, please.

COMMITTEE REPORT(S):

PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2015-02) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Received for the Record on second and final reading:

"Bill No. 2568 A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-9.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT,"

Councilmember Yukimura moved for approval of the report, seconded by Councilmember Kualii.

Council Chair Rapozo: Thank you very much. Any discussion?
Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion*).

Council Chair Rapozo: Motion carried. Next item.

RESOLUTIONS:

Resolution No. 2015-22 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Cheryl A. Stiglmeier*)

Mr. Watanabe: This is to defer pending interview.

Councilmember Chock moved to defer Resolution No. 2015-22 pending interview, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you.

The motion to defer Resolution No. 2015-22 pending interview was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion*).

Council Chair Rapozo: Next item, please.

Resolution No. 2015-23 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Shirley T. Akita*): Councilmember Yukimura moved for adoption of Resolution No. 2015-23, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Roll call, please.

The motion for adoption of Resolution No. 2015-23 was then put, and carried by the following vote:

| | | |
|-----------------------|--|-------------|
| FOR ADOPTION: | Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo | TOTAL – 7*, |
| AGAINST ADOPTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

Mr. Watanabe: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

Resolution No. 2015-24 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Robert B. Crowell*): Councilmember Kuali'i moved for adoption of Resolution No. 2015-24, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call, please.

The motion for adoption of Resolution No. 2015-24 was then put, and carried by the following vote:

| | | |
|-----------------------|--|-------------|
| FOR ADOPTION: | Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo | TOTAL – 7*, |
| AGAINST ADOPTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

Mr. Watanabe: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2577) – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITION IN ORDINANCE NO. PM-31-79, AND ORDINANCE NO. PM-2009-391 RELATING TO ZONING DESIGNATION IN PO'IPU, KAUAI (*John Horwitz, Peter Baldwin, Matthew B. Guard, and George Robinson, Successor Co- Trustees of the Eric A. Knudsen Trust under Deed of Trust dated April 30, 1922, Applicants*): Councilmember Yukimura moved for passage of Proposed Draft Bill (No. 2577), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 11, 2015, and that it thereafter be referred to the Planning Committee, seconded by Councilmember Kualii.

Council Chair Rapozo: Thank you. Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Roll call, please.

The motion for passage of Proposed Draft Bill (No. 2577), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 11, 2015, and that it thereafter be referred to the Planning Committee was then put, and carried by the following vote:

| | | |
|-----------------------|---|-------------|
| FOR PASSAGE: | Chock, Hooser, Kagawa, Kaneshiro, Kualii, Yukimura, Rapozo | TOTAL – 7*, |
| AGAINST PASSAGE: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauai, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion).

Mr. Watanabe: Seven (7) ayes.

Council Chair Rapozo: Next item.

(Councilmember Kagawa was noted as present.)

Proposed Draft Bill (No. 2578) – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITION IN ORDINANCE NO. PM-2001-354, RELATING TO ZONING DESIGNATION IN PO'IPU, KAUAI (*John Horwitz, Peter Baldwin, Matthew B. Guard, and George Robinson, Successor Co- Trustees of the Eric A. Knudsen Trust under Deed of Trust dated April 30, 1922, Applicants*): Councilmember Yukimura moved for passage of Proposed Draft Bill (No. 2578), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 11, 2015, and that it thereafter be referred to the Planning Committee, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Roll call, please.

The motion for passage of Proposed Draft Bill (No. 2578), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 11, 2015, and that it thereafter be referred to the Planning Committee was then put, and carried by the following vote:

| | | |
|-----------------------|--|------------|
| FOR PASSAGE: | Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST PASSAGE: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Mr. Watanabe: Seven (7) ayes.

Council Chair Rapozo: Next item.

Proposed Draft Bill (No. 2579) – A BILL FOR AN ORDINANCE AUTHORIZING THE OFFICE OF THE COUNTY AUDITOR TO PROCURE THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR: Councilmember Yukimura moved for passage of Proposed Draft Bill (No. 2579), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 11, 2015, and that it thereafter be referred to the Committee of the Whole, seconded by Councilmember Kuali'i.

Council Chair Rapozo: Any discussion? I just want to say that this is really a requirement. Anytime the County enters into an agreement that extends beyond the year, it requires Council approval. The last contract expired. So, as we move forward, and it is a multi-year contract, it needs to come here. It is really a housekeeping measure. Any other comments? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion for passage of Proposed Draft Bill (No. 2579), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 11, 2015, and that it thereafter be referred to the Committee of the Whole was then put, and carried by the following vote:

| | | |
|-----------------------|--|------------|
| FOR PASSAGE: | Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST PASSAGE: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Mr. Watanabe: Seven (7) ayes.

Council Chair Rapozo: Next item.

BILL FOR SECOND READING:

Bill No. 2568 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-9.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT

Mr. Watanabe: The Committee of Public Works / Parks & Recreation recommended receipt of this Bill.

Councilmember Kualii moved to Receive Bill No. 2568 for the Record, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. Moved and seconded. Any discussion? Mr. Kagawa.

Councilmember Kagawa: Thank you. I understand the final date to file your response to Public Works Solid Waste is I believe, March 15th. I think we have received a lot of responses, but I believe that there are a lot of people who are waiting until it gets closer to that date, just general procrastinating, and some of them have even lost their response card. That includes myself. Now, that my kids are in college away from home, I am going to select of course, the sixty-four (64) gallon. Today, I do not even think I had twenty (20) gallons in my *rubbish* can. The fact of the matter is that there are going to be a lot of people who do not respond by March 15th. I just want to get this message out to Public Works that there are some people that perhaps we may not need to spend the money and mail them another form, but maybe we can just get by just on a call of something that really saves money. I do not think a person like me deserves another form to be mailed to me because I should have responded earlier, but it is just the fact of the matter that I think in general, a lot of people have so much junk mail coming through that sometimes good mail gets mixed up with junk mail and gets thrown away. I just want to make sure that we have that plan B that is really cost efficient to the County that can get to those people that are in my category. Thank you, Chair.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I appreciate the reminder to everyone. I am thinking that the application form might be on the web or if it is not, maybe they can put it on the web and just have people go there to apply.

Council Chair Rapozo: Thank you. Councilmember Chock.

Councilmember Chock: Thank you. I just want to thank Councilmember Kagawa for reconsideration of this Bill. I also would like to echo that we can always do more in terms of communicating. I think while I did get mine in, it can get lost really easily in the stack of mail. I think we as servants of the County should do as much as we can to insure that we are moving people in the direction that is best for them. Thank you.

Council Chair Rapozo: Mr. Hooser.

Councilmember Hooser: Yes, I want to also thank Councilmember Kagawa for actually raising the issue also. Last time I think it was mentioned that the form was hard to read and confusing. I discussed this with Solid Waste and they acknowledge that this could have been done much better. I mean, I read it over and over again and it is hard to figure out, that actually what is happening is you are being asked to choose a smaller size to save money. I made my choice and we were also like you, probably could go every other week with a smaller can. People should understand that there is an opportunity to save money to encourage them to recycle more. I do not know if taping a little notice on the cans so people go out to pull in see the notice right there. If you want to save money, this is the deadline. I do not know what that cost would be or press releases, but there is other ways to communicate effectively so more people can take advantage of this. It would be a shame to see people just keep using a larger can because they missed the deadline. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Mr. Kualii.

Councilmember Kualii: I still have my form. I have not turned it in yet. I am about to. I think the one most confusing thing on the form and I clarified it with Solid Waste is that there seems to be a blank spot where you could choose how many times you put it out whether you will put it out weekly or not, but that is not the case. It is weekly. Whether it is full and you put it out or not, they collect it weekly. I mean, I have the big can now and I probably only put it out once a month, maybe once every three (3) weeks. It is weekly for the charge.

Council Chair Rapozo: Thank you. Anything else? Well, I have the big barrel, I put it out weekly, it is full, and I recycle. We just have a lot more people that utilize our household. I think we have to remember that. Not everybody's household is made up of a husband and a wife. Some households are made up of six (6), seven (7), or eight (8), ten (10), and in fact, one (1) barrel is insufficient. It is not that they are bad people or they are ignorant or they do not want to recycle. It is just that some people have different uses and needs. With that, anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to Receive Bill No. 2568 for the Record was then put, and carried by the following vote:

| | | |
|-----------------------|-----------------------------------|------------|
| FOR RECEIPT: | Chock, Hooser, Kagawa, Kaneshiro, | |
| | Yukimura, Rapozo | TOTAL – 7, |
| AGAINST RECEIPT: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Mr. Watanabe: Seven (7) ayes.

Council Chair Rapozo: Thank you. Next item, Executive Sessions.

Mr. Watanabe: Next, we have Executive Sessions.

Council Chair Rapozo: Janine, we referred your item. Oh. Okay. Thank you.

There being no objections, the rules were suspended.

Council Chair Rapozo: Go ahead.

MAUNA KEA TRASK, County Attorney: Aloha Chair Rapozo and Honorable Councilmembers County of Kaua'i. For the record, Mauna Kea Trask, County Attorney. Pardon me.

EXECUTIVE SESSIONS:

ES-781 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing on County of Kaua'i vs. Michael Guard Sheehan, et al., Civil No. 11-1-0098 (Condemnation), Fifth Circuit Court, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-782 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion and consultation regarding the Quarterly Report on pending and denied claims. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Council Chair Rapozo: Thank you. Can I get a motion to go into Executive Session for ES-781 and ES-782?

Councilmember Kagawa moved to convene in Executive Session for ES-781 and ES-782, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Any discussion? Anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion to convene in Executive Session for ES-781 and ES-782 was then put, and carried by the following vote:

| | | |
|----------------------------|--|------------|
| FOR EXECUTIVE SESSION: | Chock, Hooser, Kagawa, Kaneshiro, Kualii, Yukimura, Rapozo | TOTAL - 7, |
| AGAINST EXECUTIVE SESSION: | None | TOTAL - 0, |
| EXCUSED & NOT VOTING: | None | TOTAL - 0, |
| RECUSED & NOT VOTING: | None | TOTAL - 0. |

Mr. Watanabe:

Seven (7) ayes.

Council Chair Rapozo: Thank you. We will reconvene in Executive Session in five (5) minutes. For the audience, we have to come out in the open session to vote on the Sheehan case, and then we will adjourn until 1:30 p.m. for the public hearings, and then convene the Special Council Meeting at 2:30 p.m. to clean up all of the other things that were hanging in our binders. What we did last week was for the Committee Meetings, what we are doing this week is for the Council Meetings that was in the Council pending file. I would expect this Executive Session to possibly go an hour. So, we should be back here at 10:45 a.m. We will be in recess until then.

There being no objections, the meeting recessed at 9:44 a.m. to convene in Executive Session.

The meeting reconvened at 11:19 a.m., and proceeded as follows:

Council Chair Rapozo: Can we have the last and final item for the first agenda?

JADE K. FOUNTAIN-TANIGAWA, Deputy Clerk: Council Chair, this brings up back to page 4.

C 2015-69 Communication (01/22/2015) from the County Attorney, requesting authorization to expend funds up to \$25,000 for Special Counsel's continued services provided in County of Kaua'i vs. Michael Guard Sheehan, et al., Civil No. 11-1-0098 (Condemnation), Fifth Circuit Court, and related matters: Councilmember Yukimura moved to approve C 2015-69, seconded by Councilmember Kualii.

Council Chair Rapozo: Moved and seconded. Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2015-69 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Thank you. That concludes the morning session. We will reconvene at 1:30 p.m. for the public hearing. Oh, I am sorry. Mr. Kagawa.

Councilmember Kagawa: I know it is --and just say, "no" and the Council can say "no." I was talking to Mr. Boiser out there telling me that he may have to leave early for family matters. I think he was here to speak on several items. I do not know if we could make an exception or if not, he just has to come back at 1:30 p.m.

Council Chair Rapozo: Which item? I can give you three (3) minutes as the...yes.

There being no objections, the rules were suspended to take public testimony.

Councilmember Yukimura: What item is this?

Council Chair Rapozo: He is going to speak in general on the land item and I am assuming he is talking about the two (2) zoning matters that came up earlier today, Proposed Draft Bill (No. 2577) and Proposed Draft Bill (No. 2578) which were zoning designations of Po'ipū.

MARK BOISER: I just wanted to come and say to you people this, that represent the people of this land. I came here not to point fingers at anything. I came here to...I am Mark Boiser. I came here because several things have bothered me in the last week. I biked along the highway for the last thirty-two (32) years and one of the biggest panics in my life was when our rivers go dry. I fought the Pfeulger Estate and the Mary Lucas Estate. None of the State or County people would do anything. I finally got the Environmental Protection Agency (EPA) out of San Francisco and Washington DC. Sunday, I was biking Halfway Bridge. It is extremely low. I looked at all of the rivers, extremely low. They are taking the water for Kaua'i Electric in the back of all of the mountains. Maybe sometimes you folks should jump in a car to get out and go look what is happening to this island. Number one, it is filthy. Number two, we are running out of water in the rivers. Now, under the Federal law, it protects, they call it the Endangered Species Act Department of the Interior, which I fought Jimmy Pfeulger and Mary Lucas Estate on the same issue because Hawaiian homes and they were pumping from the river above. None of the Clear Water people in Honolulu or the Department of Health would take any issues about it so I did bring the Federal government in. I also was bothered about the Esaki Surveying coming down in my property and surveying my land and turning it over to somebody else. When I asked them, "Why are you surveying my *kuleana* 'āina," he says, "That is none of your business. I have come down here to survey for the rich and that is the way it is." There are a couple of issues. I did not want to come back to this kind of committee because I know that a lot times, ninety percent (90%) of the time, nothing is done, but in the interest of letting the people know on this island what is occurring especially the people that were born and raised here, and more so about people like me and other people from Kalāheo or Lāwa'i or wherever they come from. My land tax used to be eight hundred dollars (\$800). It is now three thousand dollars (\$3,000). It is assessed by a realtor and how dare he come upon my land and make a burden on my family that I cannot pay the tax, I sell my land, and walk away from this island which was given the birth right of my people. All of the issues are about this island. I think that you people are representing the people of this island when they had elected you to be an official of the United States for the people. Then, it should be for the people. The changes that I have seen in the last fifty (50) years on Kaua'i from a population of sixteen thousand (16,000) to seventy thousand (70,000), and I have seen all of our local families because they cannot afford the land tax or their parents die and they cannot afford it, they move. This island is in need of help. You people are the only people they can turn to, to help. Please, help the people of this island, the people that were born and raised here, not the people from Utah, California, or New York. That is all that I have to say.

Council Chair Rapozo: Mr. Boiser, thank you, and I will ask staff to attach the testimony to the items relating to the zoning as you did touch on that.

Mr. Boiser: The last issue, Mel, and I know it is out of hand, but the last issue is that last week I called the Federal Bureau of Investigation (FBI) to do what they call a "Governmental Corruption Committee." I will meet with them on Friday, the two (2) Corporation Committee FBI agents. I talked to them about the County of Kaua'i and what was happening to our *kuleana* 'āina. Thank you. *Mahalo*.

Council Chair Rapozo: Thank you, Mr. Boiser.

Councilmember Yukimura: I have a question.

Council Chair Rapozo: Hang on. Councilmember Yukimura.

Councilmember Yukimura: Mark, I am very concerned about what you are saying about families leaving because they cannot pay the land taxes, and would like to know the specific situation so that we can devise a situation...

Mr. Boiser: JoAnn, you have been in this office I do not know how many years, you have been a Councilmember for how many years prior to that, and you should know all of this, not a speaker like me that can come in this office and tell you without your knowledge or knowing so. You should know this for the last thirty (30) years or twenty (20) years you have been a Councilmember.

Councilmember Yukimura: Well, I still need specific example. At the public hearing when you come and speak, is how we use to get information that can help us.

Mr. Boiser: Yes.

Councilmember Yukimura: I am asking for your help to get specific names and families that I can...

Mr. Boiser: I gave five (5) basic names to the FBI. One was Esaki Surveying, one was Mike Tresler, one was Randal Valenciano, one was – these are all of the five (5) names that was given to the FBI to investigate on the corruption.

Councilmember Yukimura: Okay, but I am asking for the families that are being forced to leave because of real property taxes.

Mr. Boiser: Real easy, just take a drive around. Just take a drive from Kapa'a to Kapahi to Hanalei to anywhere to Lāwa'i, to wherever. Real easy. In fact, JoAnn, maybe sometime in your life, you should just take your car, go park by Halfway Bridge and go look at the rivers and streams of this land. Look at that they do not have water. The given right of water is to the people of this land. It is protected under Federal law, not County or State, not Kaua'i Island Utility Cooperative (KIUC) or damming or whatever. It is the people's land and water. Maybe you ought to take a drive and go look at your land, this island here.

Councilmember Yukimura: Thank you.

Mr. Boiser: You folks have a good day.

Council Chair Rapozo: Thank you.

Mr. Boiser: Aloha.

Council Chair Rapozo: Aloha. Mr. Hooser.

Councilmember Hooser: Yes. Personal privilege please.

Council Chair Rapozo: Sure.

Councilmember Hooser: I just want to state for the record that a lot has talked about with the prior testimony in terms of for the benefit of people born and raised here. I have only lived here for forty-five (45) years, but I am from California and I want the record to reflect that a person from California is the one the introduced the Bill to freeze property taxes for the residents of this State at this County. I just wanted to for the record, put that out there because sometimes well-meaning people offer offensive comments and I do not hold that against anyone at all, but I just wanted it to be for the record, that someone from California is a person who introduced that Bill to freeze property taxes. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Mr. Kagawa.

Councilmember Kagawa: I do not want to make this a precedent, that we allow these kind of speakers to come up at not the appropriate time. However, he gave me a very compelling reason why he needed to leave and the reason was a valid one. I thank the Council for giving me that privilege. Thank you.

Council Chair Rapozo: Well, the suspension of the rules was based on your recommendation and for that reason only because I had no idea what the discussion was going to be about. I trust that you folks will, as you recommend the rules are suspended, anyone can make the motion to suspend the rules. I would ask that those reasons be valid. I will make exceptions as the needs arise. Councilmember Yukimura.

Councilmember Yukimura: In order for us to know when to allow these exceptions or not, what was the compelling reason?

Councilmember Kagawa: His wife has a health problem and he needed to get back to her.

Councilmember Yukimura: I see.

Council Chair Rapozo: We let a lady speak because her dog was sick at home. I am not a mean person. I just hope that the public would not abuse that privilege because it can stop. If the reason is valid, then I have no problem suspending the rule. Councilmember Yukimura.

Councilmember Yukimura: Well, I just wanted to say that if we had Rule 13(e) that allowed people to speak at the beginning, some of these issues would be alleviated and it was in fact those reasons that made us first put that rule into place.

Council Chair Rapozo: Well, Mr. Boiser was not here at the beginning of the meeting so he would not have been here anyway. I am not going not get into a discussion of rules right now. If you want to change the rule, do the Resolution, and we can address it. We are way beyond the scope.

Councilmember Kagawa: Yes, that was going to be my thing that he was not here at 8:30 a.m. and furthermore, I think he has made a lifestyle change to stay away from the Council Chambers. I think we have seen Mr. Boiser since I used to work on the staff here. He was a frequent visitor in the past, but his reason was very

compelling. I graciously thank the Council for allowing this one-time only. Thank you.

Council Chair Rapozo: Thank you. Yes, Mr. Kuali'i.

Councilmember Kuali'i: I do not know if this is a point of personal privilege as well, but in response to...

Council Chair Rapozo: Let me just for the record just state that the personal privilege is for matters that are outside of the agenda that is not Board business that is a birthday, a celebration, a wedding, an anniversary, or whatever. It is not intended to be used to talk about Board business.

Councilmember Kuali'i: He talked about the importance of the land, the water that goes with the land, and that there rivers are drying up. I just wanted to just make the public aware that as a County and a community, we all need to be engaged in the current legislative process. As the Intergovernmental Relations Committee Chair, there are a lot of Bills out there can support our water, food, forest, and things like that. I can give more information that as well.

Council Chair Rapozo: Perfect. So, you have his number. He can call Councilmember Kuali'i and he can help you with the Bills. With that, can I get a motion to adjourn? Let us make this official.

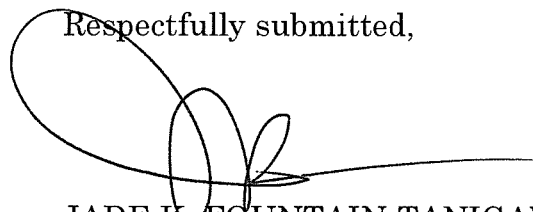
ADJOURNMENT:

Councilmember Kagawa moved to adjourn the Council Meeting of February 11, 2015, seconded by Councilmember Kuali'i, and unanimously carried.

Council Chair Rapozo: We will reconvene at 1:30 p.m. for the public hearing.

There being no further business, the meeting was adjourned at 11:32 a.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk